

REMARKS

Applicant has carefully reviewed the Application in light of the Final Office Action mailed January 14, 2008. At the time of the Office Action, Claims 1-30 were pending and rejected in the Application. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Double Patenting Rejection

The Examiner rejects Claims 1-30 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-6 of U.S. Patent No. 6,091,725 in view of U.S. Patent No. 5,153,877 issued to Esaki, et al. ("*Esaki*") and U.S. Patent No. 5,640,389 issued to Masaki ("*Masaki*").

Applicant has submitted a Terminal Disclaimer, as suggested by the Examiner, to overcome this rejection. The Examiner should not construe this submission as acquiescing to the propriety of the Double Patenting Rejection. Applicant expressly reserves the right to comment on reasons related to this submission at a later time should Applicant deem it appropriate to do so.

Previous Section 102/103 Rejections

No reference of record, including the previously cited *Schibler* reference, offers an architecture in which processing of the packet is executed on a per-flow basis such that traffic management, packet forwarding, and access control operations are achieved for selected flows, whereby bandwidth allocations and buffer resource elections are executed for the selected flows, as is recited in Independent Claim 1. Note that both bandwidth allocations and buffer resource elections are performed for individual flows. This offers a granular solution for even robust network communication systems. [For example, see Applicant's Specification at pages 8-9 for support.] For at least these reasons, Independent Claim 1 is easily allowable over *Schibler*.

The other Independent Claims recite limitations similar, but not identical, to those recited in Independent Claim 1. Therefore, these claims are also allowable, for example, for the same reasons as identified above. Additionally, the corresponding dependent claims from

these Independent Claims are also patentably distinct for analogous reasons. Accordingly, all of the pending claims have been shown to be allowable, as they are patentable over the references of record. Notice to this effect is respectfully requested in the form of a full allowance of these claims.


CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant believes no fees are due; however, if this is not correct the Commissioner is hereby authorized to charge any amount required or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas J. Frame at 214.953.6675.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicant

  
\_\_\_\_\_  
Thomas J. Frame  
Reg. No. 47,252

Date: March 13 \_\_\_\_\_, 2008  
Customer No. 05073